



PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS

MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES

Note No. 29/19

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to its note no.000316 of 26 January 2019, has the honour to submit herewith the contribution of the Government of the Republic of Mauritius with regard to the implementation of resolution A/HRC/39/41.

The Permanent Mission of the Republic of Mauritius to the United Nations avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Office of the United Nations
High Commissioner for Human Rights
New York



Inputs to Questionnaire - Cooperation with the United Nations, its representatives and mechanisms the field of human rights

1. **What is the legal and policy framework at the national level to ensure the right to participation at the international level, including unhindered access to and communication with international bodies, in particular the UN?**

Mauritius has a dualist system so that any treaty needs first to be domesticated in the legislation by an Act of Parliament before any person may avail himself of any provisions of the treaty, including provisions pertaining to the procedures for individual communications and/or complaints made to international bodies.

The Police Department may participate at the international level, in particular the UN, according to section 22 of the Police Act 1974, as amended by Act 42 of 2003, which is reproduced below:

22. Co-operation with other bodies:

- (1) The Commissioner shall co-operate as far as practicable and necessary with public authorities in Mauritius and abroad that can assist the Police in the performance of its functions.
- (2) Notwithstanding section 9, the Commissioner may require any officer to form part of a peace-keeping mission in any country where –
- (a) the peace-keeping mission will operate under the aegis of the United Nations or any other international or regional organization of which Mauritius is a member; and
 - (b) Government has decided that Mauritius should participate in such a mission.

2. **What measures have been taken by your Government at the national level to ensure national investigations and accountability on allegations of intimidation and reprisals?**

One of the measures taken by the Government to ensure national investigations and accountability on allegations of intimidation and reprisal is the enactment of the *International Criminal Court Act 2011*, where the crime against humanity is an international crime.

Under the *Schedule of the International Criminal Court Act 2011*, the crime against humanity includes persecution, torture and other inhumane acts committed against civilians. Therefore, acts of intimidation and reprisals against civilians who seek to cooperate or have cooperated with the UN may amount to a crime against humanity.

3. **How has your Government contributed to initiatives at the international or regional levels to encourage the prevention of acts of intimidation and reprisals?**

At the level of the UN in New York

The report of the High Commissioner for Human Rights (A/HRC/39/41) specifies examples of intimidation and acts of reprisal as well as country specific cases where such acts have been carried out against civil society, UN representatives of mechanism in the field of Human Rights.

Mauritius has a longstanding tradition for the respect of human rights and rule of law. As far as our Mission in New York is aware, no such cases have been brought to the attention of the UN bodies by civil society or otherwise.

Mauritius has been supporting the resolutions, in line with our national policies, in the Third Committee. With regard to special mechanisms, Mauritius has abstained on country specific reports as a matter of principle, with the exception in 2017 and 2018, of the report on the situation of human rights in Myanmar.

Regional Level

The Indian Ocean Rim Association (IORA) has adopted the Declaration on "Preventing and countering terrorism and violent extremism" in March 2017 in Indonesia. Through this declaration, IORA seeks to strengthen the determination to continue efforts to, inter-alia, resolve conflicts, eradicate poverty, eliminate marginalization, promote sustainable development, human rights and the rule of law and ensure respect for all religions, religious values, belief and cultures in addressing terrorism and violent extremism.

The Declaration also reaffirms support for the effective implementation of all relevant United Nations resolutions and declarations on International terrorism, including, Global-Counter-Terrorism Strategy and the UN General Assembly resolution entitled "WAVE". Prevent Violent Extremism World Against Violence and Extremism. As applicable to each IORA Member States, and respect for international law and human rights while countering violent extremism.

4. **How has your Government provided assistance to members of civil society for their cooperation with the UN? Have any measures been taken to improve the security and safety of those who cooperate with regional and international organizations?**

By virtue of *section 22 (2) of the Police Act 1974*, the Government, through the Commissioner of Police, has provided assistance to members of the civil society for their cooperation with the UN by sending Police officers to form part of peace-keeping missions operating under the aegis of the UN.